



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/790,656	03/01/2004	Chirag D. Dalal	VRT0126US	9561
66429 7590 09/09/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
LI, ZHI'UO H				
ART UNIT		PAPER NUMBER		
2185				
MAIL DATE		DELIVERY MODE		
09/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/790,656
Filing Date: March 01, 2004
Appellant(s): DALAL ET AL.

Eric A. Stephenson
(Reg. No. 38,321)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed July 7, 2008 appealing from the Office action mailed February 6, 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5946696	Young	8-1999
6826600	Russell	11-2004
6065011	Bulusu et al.	5-2006
20030229698	Furuhashi	12-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Young (US PAT. 5,946,696).

Regarding claim 8, Young discloses a method comprising a computer system (200, figure 2) creating a first storage object (original object 100, figure 1A), wherein the first storage object is created to have a individual or collective properties (120, figure 1E and col. 3 lines 32-38, i.e.,

unmodified properties of object 100 including border, border size, font, text size, text justification and style), the computer system creating a second storage object (modified object 100, figure 1B) out of the first storage object, wherein the second storage object depends on the individual or collective properties of the first storage object (col. 3 lines 36-40, i.e., modified object having modified property list 122 including the same properties on border size font and text size as the original object), and the computer system receiving information that at least one of the individual or collective properties of the one or more first storage objects has changed (figure 1E and col. 3 lines 23-27, difference property list 124 indicates one of the individual or collective properties of the one or more first storage objects 120, including border, text justification and style, has changed) and that the second object can no longer depend on the individual or collective properties of the one or more first storage object (figure 1E and col. 3 lines 40-45, i.e., each property that was modified contains the new value), the computer system responding after receiving the information (figure 1B, displaying the modified object in response to modified property list 122).

Regarding claim 9, Young discloses the computer responding comprising generating a message indicating that warning that the second storage object can no longer depend on the individual or collective properties of the one or more first storage object (figure 1E and col. 3 lines 40-45, i.e., differences 124 indicating the second object as shown in figure 1B having the properties on border, text justification and style, are no longer depending on the properties of the one or more first storage object 120).

Regarding claims 10-11, Young discloses the computer responding comprising replacing the storage object with a new storage object, which modifies the storage object (figures 1A-1B).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-5, 12-16 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US PAT. 6,826,600) in view of Bulusu et al. (US PAT. 6,065,011 hereinafter Bulusu).

Regarding claim 1, Russell discloses a method comprising a computer system (100, figure 1) creating a first storage object (150, figure 1), wherein the first storage object is created to have a property, i.e., (152, see col. 10 lines 58-61 and col. 14 lines 13-18, i.e., a client computer system operating software to generate local object definitions and object property 152 being a local object identification that identifies the local object definitions), the computer

system creating a second storage object (160, figure 1) out of the first storage object (col. 11 lines 2-10 and col. 14 lines 29-54, i.e., a server creating a global object specification corresponding local object definitions), and the computer system modifying the first storage object, wherein the modified first storage object maintains the property upon which the second storage object depends (col. 11 lines 10-24, col. 14 lines 55-62 and col. 15 lines 16-22, i.e., providing new global object specification object definitions to the client and replacing the local object specification with the new global object specification). Russell differs from the claimed invention in not specifically teaching the second storage object comprising a component storage object and the computer system choosing the first storage object to be the component storage object due to the property of the first storage object. However, Bulusu teaches a method for manipulating a categorized data set (read as second object) based upon an original data set (read as first object) such that the categorized data set comprises category item (read as a component storage object) and a computer system selecting the original data set to be the category item due to the property of the original data set (col. 10 lines 31-67), thereby efficiently manipulating large categorized objects in memory. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Russell in having the second storage object comprising a component storage object and the computer system choosing the first storage object to be the component storage object due to the property of the first storage object, as per teaching of Bulusu, in order to efficiently manipulate large categorized objects in memory.

Regarding claim 2, Russell discloses the computer system creating a third storage object, wherein the third storage object is created to have a property (col. 19 lines 28-56, i.e., creating a

new object specification once a collaboration session is underway), wherein the computer system creates the second storage object out of the first and third storage object, wherein the second storage object depends on the properties of the first and third objects (col. 20 lines 1-62, i.e., server 130 creating a new object definitions, read as third storage object, within the global object identification, read as second storage object based on the command or other instruction from client such that the new object definition includes a new unique global object definition and any object properties specified in the object operation are also included as object properties).

Regarding claim 3, Russell teaches the steps of creating the first storage object comprising creating a first description of the first object and transmitting all or a portion of the first description to a first computing system (col. 10 line 58 through col. 11 line 2), and creating the second storage object comprising creating a second description of the first storage object and transmitting all or a portion of the second description to a second computer system (col. 11 lines 2-12).

Regarding claim 4, Russell teaches the step of modifying the first storage object comprising creating a modified first description of the modified first storage object and transmitting the modified first description to the first computer system (col. 11 lines 13-24).

Regarding claim 5, Russell teaches the second description comprising a configuration map that maps a local memory block of the second storage object to a logical memory block of the first storage object (col. 18 lines 1-11).

Regarding claim 12, the limitations of the claim are rejected as the same reasons as set forth in claim 1.

Regarding claim 13, the limitations of the claim are rejected as the same reasons as set forth in claim 2.

Regarding claim 14, the limitations of the claim are rejected as the same reasons as set forth in claim 3.

Regarding claim 15, the limitations of the claim are rejected as the same reasons as set forth in claim 4.

Regarding claim 16, the limitations of the claim are rejected as the same reasons as set forth in claim 5.

Regarding claims 19-21, the limitations of the claims are rejected as the same reasons as set forth in claim 1.

5. Claims 6-7 and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (US PAT. 6,826,600) in view of in view of Bulusu et al. (US PAT. 6,065,011 hereinafter Bulusu) as applied in claims above, and further in view of Furuhashi et al. (US 2003/0229698 hereinafter Furuhashi).

Regarding claims 6-7, the combination of Russell and Bulusu differs from the claimed invention in not specifically teaching creating the first storage object comprising allocating a logical unit or a physical storage device of a data storage subsystem to the first storage object, wherein the first description comprises a configuration map that maps a logical memory block of the first storage object to a logical memory block of the logical unit or to a physical memory block of the physical storage device. However, Furuhashi teaches information processing system having data storage area allocating unit (224, figure 1), read as a logical unit, for mapping a

logical memory block of a first storage object to a logical memory block of the logical unit ([0045], i.e., allocating unit specifies a position of a storage area to which the data is stored in respond of read kind or utilization purpose on the bases of characteristic information of the memory device) in order to improve the access performance to data and its reliability in a technique of allocating data to a plurality of storage areas of a storage. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Russell and Bulusu in creating the first storage object comprising allocating a logical unit or a physical storage device of a data storage subsystem to the first storage object, wherein the first description comprises a configuration map that maps a logical memory block of the first storage object to a logical memory block of the logical unit or to a physical memory block of the physical storage device, as per teaching of Furuhashi, in order to improve the access performance to data and its reliability in the technique of allocating the data to the plurality of storage areas of the storage.

Regarding claims 17-18, the limitations of the claims are rejected as the same reasons as set forth in claims 6-7.

(10) Response to Argument

Appellant's arguments filed on July 7, 2008 have been fully considered but they are not persuasive.

A. Rejection of Claims under 35 U.S.C. § 102

In response to applicant's argument that Young's original object fails to be a storage object as recited in claim 8, it is noted that the term "storage object" is a broad term, which can be broadly reasonable interpreted as any object being stored in a memory or storage device such

that the original object as recited by Young anticipates the claimed limitation. The features upon which applicant relies (i.e., hard disks, JBOD storage systems, RAID storage systems, data mirror, etc.) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that Young cannot teach both (1) the limitation of claim 8 that the "second storage object depends on the individual or collective properties of the one or more first storage objects" and (2) the limitation of claim 8 "that the second storage object can no longer depend on the individual or collective properties of the one or more first storage objects" in a logically consistent manner, examiner is respectfully disagreed because this argument is flawed and misleading. It is noted that the claimed language defines "second storage object depends on the individual or collective properties of the one or more first storage objects" at the time the computer system creating a second storage object out of the one or more first storage object and "that the second storage object can no longer depend on the individual or collective properties of the one or more first storage objects" at the time the computer receiving information that at least one of the individual or collective properties of the one or more first storage object as changed. As taught by Young, the second storage object as shown in modified property list (122, figure 1E) depends on the individual or collective properties (i.e., border size, font, text size) of the first storage object as shown in unmodified property list (120, figure 1E) as the time the computer system creating a second storage object out of the one or more first storage object (col. 3 lines 23-24, a user creates a second object out of the first storage object by applying modification of the first storage object), and the second storage object as shown in

modified property list (122, figure 1E) can no longer depends on the individual or collective properties (i.e., the modified properties on border, text justification and style) of the first storage object at the time the computer receiving information, i.e., modification information, that at least one of the individual or collective properties of the one or more first storage object has changed. Note Young anticipates on each and every broad claimed limitation as recited in claim 8. Thus, examiner respectfully requests to maintain the rejection against broad claim 8. Since all other rejected claims 9-11 are dependent upon claim 8, examiner further request to maintain the rejection of these claims.

B. Rejection of claims under 35 U.S.C. § 103

In response to applicant's argument that the proposed modification would change the principle of operation of Russell by requiring Russell's global object specification 160 to comprise Russell's local object specification 150, it appears that Russell implicitly teaches to copy all the object properties from each respective local object definition into a set of respective global object properties in newly defined respective set of global object definitions (col. 14 lines 22-28), thereby the global object specification comprises object properties of the local object specification. Note the claimed language fails to further limiting the component storage object of the second storage object comprises all the property of the first storage object. Furthermore, the claims merely define "the computer system choosing the first storage object to be the component storage object due to the property of the first storage object". Since Russell does not specifically teach the second storage object comprising a component storage object and the computer system choosing the first storage object to be the component storage object due to the property of the

first storage object, the use of Bulusu is for teaching a method for manipulating a categorized data set (read as second object) based upon an original data set (read as first object) such that the categorized data set comprises category item (read as a component storage object) and a computer system selecting the original data set to be the category item due to the property of the original data set (col. 10 lines 31-67), thereby efficiently manipulating large categorized objects in memory. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Russell in having the second storage object comprising a component storage object and the computer system choosing the first storage object to be the component storage object due to the property of the first storage object, as per teaching of Bulusu, in order to efficiently manipulate large categorized objects in memory. Thus, the proposed combination of Russell and Bulusu does not require a change in the principle of operation of Russell for at least the reason as stated above since the use of Bulusu is for further teaching the selecting step, which is not explicitly disclosed or taught by Russell. In fact, the proposed combination of Russell and Bulusu teaches the claimed limitations as recited in claims 1, as well as independent claims 12, 19, 20 and 21. Therefore, the teaching of the references is sufficient to render the claims *prima facie* obvious. As a result, one skill in the art would articulate the combination of the references teaching the claimed limitations as recited in claim 1, 12, 19, 20 and 21 and their corresponding dependent claims.

In response to applicant's argument that Russell fails to teach the modified first storage object maintains the property such that Russell's global object specification 160 fails to comprise local Russell's local object identification 152, it is noted that Russell clearly define each local object definition 151-1 through 151-N within the local object specification 150, read as a first

storage object, including one or more object properties 152 (col. 14 lines 4-12) and the processor operating the server object manager to **duplicate** (i.e., identically copy) each local object definition 151 as a new global object definition 161 in order to create global object specification 160 (col. 14 lines 13-29). Thus, the global object specification 160, read as the modified first storage object, maintains the global object definition 161, which is identically copied from local object definition 151 of the local object specification, read as first storage object, such that the global object specification maintains the property of the local object specification. Although Russell also teaches that a global object identification assignment function generates a unique global object identification 162 for replacing the local object identification 152, the global object specification, read as the modified the first storage object, still maintains the local object definition 151 as identified by 152 in the local object specification 150 (col. 14 lines 30-54). Note the claimed language merely define the computer system modifying the first storage object, wherein the modified first storage object maintains the property, but fails to clearly define how the modified first storage object maintains the property. Thus, the broad claimed language read by Russell because Russell clearly teaches to a computer system, i.e., a server 132, modifying the local object specification 150 to the global object specification 160, wherein the global object specification maintains the local object definition 151 as identified by 152 in the local object specification 150.

Claims 6-7 and 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Russell, Bulusu, and Furuhashi. The rejection on the grounds of claims 6-7 and 17-18 are, respectively, dependent upon one of rejected base claims 1 and 12. Note applicant

Art Unit: 2185

fails to provide any argument in the Remarks filed 4/7/2008. Therefore, the rejection is maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Zhuo H Li/
Examiner, Art Unit 2185

Zhuo H. Li ZHL
Patent Examiner
Art Unit 2185

Conferees:

/Vincent F. Boccio/ VFB
Primary Examiner, Art Unit 2169
Appeal Specialist TC 2100

/Sanjiv Shah/
Supervisory Patent Examiner, Art Unit 2185
Sanjiv Shah
Supervisor of Patent Examiner
Technology Center 2100